

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DOYLE WAYNE DAVIS,)	No. C 05-3364 WHA (PR)
)	
Plaintiff,)	ORDER OF TRANSFER
)	
vs.)	
)	
GAIL LEWIS, et al,)	
)	
Defendants.)	
_____)	

This is a civil rights case brought pro se by a state prisoner. It appears that the complaint duplicates that in 03-cv-06321-OWW-LJO, an Eastern District case which is now closed. It is unclear what plaintiff's purpose was in refiling the complaint, but it is clear that the case belongs in the Eastern District rather than here, because the acts complained of occurred at Pleasant Valley State Prison, which lies within the venue of the Eastern District of California, and the individual defendants also appears to reside in the Eastern District. See 28 U.S.C. § 1391(b). Venue, therefore, properly lies in that district and not in this one.

This case is TRANSFERRED to the United States District Court for the Eastern District of California. See 28 U.S.C. § 1406(a). In view of the transfer, the Court will not rule upon Plaintiff's request for leave to proceed in forma pauperis.

IT IS SO ORDERED.

DATED: August 23, 2005.



WILLIAM ALSUP
United States District Judge